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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 ISAIAS NUNEZ,

11 Petitioner,

12 v.

13 DOMINGO URIBE, JR.,

14 Respondent.
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No. SACV 12-1243 DOC (FFM)

ORDER REQUIRING ADDITIONAL
RESPONSE TO AUGUST 7, 2012
ORDER TO SHOW CAUSE

16 On August 7, 2012, this Court entered an Order to Show Cause why the
17 petition should not be dismissed as barred by the statute of limitations. Petitioner
18 filed a response to the order on August 23, 2012. In his response, petitioner
19 contends that he recovered new evidence in 2011 and 2012 and that his appellate
20 attorney did not provide a copy of his appeal documents until this past year.
21 Based on the foregoing, petitioner suggests that equitable tolling may be
22 appropriate.

23 Petitioner's response fails to establish a basis for equitable tolling.
24 However, before recommending that this action be dismissed as barred by the
25 limitations period, the Court will afford petitioner an opportunity to provide
26 additional facts supporting this equitable tolling argument. Specifically, petitioner
27 is ordered to, within 30 days of the date of this order, explain in detail what new
28 evidence he obtained, the date he obtained such new evidence, and why the

1 evidence was not obtained earlier. If the new evidence relates to the alleged
2 failure of his attorney to file a motion for reconsideration, petitioner is ordered to
3 explain what attempts he made at the time to follow up with his attorney with
4 respect to the status of such motion. Finally, petitioner is ordered to explain what,
5 if anything, in the “appeal documents” petitioner required before he could file a
6 petition for writ of habeas corpus with respect to the claims asserted in the petition
7 and why he was not aware of such information at an earlier date.

8 IT IS SO ORDERED.

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10 Dated: September 10, 2012

11 /S/ FREDERICK F. MUMM
12 FREDERICK F. MUMM
13 United States Magistrate Judge
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